progesterone antagonist, wherein said progesterone antagonist is administered in an amount effective to inhibit ovulation and induce amenorrhea during the first phase; and

a second phase of 5 to 28 daily dosage units, each dosage unit of this second phase comprising a gestagen.--

## REMARKS

Entry of the foregoing and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.114, are respectfully requested.

By the foregoing amendment, claims 52 and 53 have been added. No new matter has been added.

## I. Rejections Under 35 U.S.C. § 102

Claims 1-12 and 15-26 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Stockemann et al. (DE 4344463A1). Applicants respectfully traverse this rejection.

Stockemann et al. is drawn to methods and compositions using a progesterone antagonist in a non-ovulation inhibitory dose, rather than an ovulation-inhibitory dose as instantly claimed. The claimed composition is not the same as the composition of Stockmann et al. One composition will inhibit ovulation while the other will not inhibit ovulation. Stockmann et al. does not disclose ovulation inhibitory doses as instantly claimed.

Further, the cited reference does not describe a competitive progesterone antagonist in an

amount effective to induce amenorrhea (see new claims 52 and 53) or an ovulation inhibiting dose of a progesterone antagonist in the context of a multiphase preparation comprising a first phase comprising a progesterone antagonist and a second phase comprising a gestagen. In order for a reference to be anticipatory, it must disclose every element of a claim. That is clearly not the case here.

Therefore, the rejection under 35 U.S.C. § 102(a) should be withdrawn.

## II. Rejections Under 35 U.S.C. § 103

Claims 1-12, 15-26, 29-32, 48 and 50 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over by Stockemann et al. (DE 4344463A1). Applicants respectfully traverse this rejection.

Stockemann et al. also does not render the instant claims obvious. As stated above, this reference does not teach ovulation inhibitory doses or doses that induce amenhorrhea. Further, there is no teaching or suggestion in the cited reference that would motivate a worker to select an ovulation inhibiting dose for a progestagen antagonist and use that dose in the "combination" disclosed in the cited reference. In addition, there is no suggestion or teaching in the cited reference to motivate a skilled worker to provide the claimed combination preparation in a kit. Absent such motivation in either case, with the requisite expectation of success, the cited reference does not render the claimed invention obvious.

Therefore, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney or agent concerning such questions so that prosecution of this application may be expedited.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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